

Agenda
Otay Ranch POM Preserve Management Team Meeting
Chula Vista Public Works Building
August 10, 2007
2:00 – 4:00 p.m.

1. Call To Order
2. Approval of Meeting Minutes
3. General Plan Amendment – Elimination of Conveyance Plan (Lynch)
4. Irrevocable Offer of Dedication Status (Lynch, Lundstedt & Trumbo)
 - a. Pending (12 – 1,058.09 acres)
 - i. Otay Project LP/Otay Ranch Company (7 – 857.18 acres)
 1. Wolf Canyon (30.06 acres) – IOD Vacation
 2. Proctor Valley Segment (772.90 acres)
 - a. Village 13 Update
 3. 1999 Board Action (266.36 acres)
 - ii. Brookfield-Shea
 1. 3 – 148.87 acres
 - b. Village 2 Conveyance
5. Financing (Lundstedt & Trumbo))
6. Land Management (Duke & Trumbo)
 - a. Status of Long Term Implementation Plan
 - b. POM managed
 - c. Privately managed (prior to conveyance)
7. Management of non-Otay Ranch Preserve Lands (Lundstedt)
8. Projects within the Preserve (Lundstedt)
 - a. Championship Off-Road Racing
9. Irrevocable Offer of Dedication Language (Trumbo & Lundstedt)
 - a. Future Infrastructure
10. Proposed Policy Committee Agenda (Trumbo & Lundstedt)
11. Management by US Fish and Wildlife Refuge
12. Meeting Schedule
13. Next Steps
14. Public Comment
15. Adjournment

Draft Minutes

Otay Ranch POM Preserve Management Team Meeting
County Administration Center, Tower 8
3:00 – 5:00 p.m., June 12, 2007

Attendees:

Chula Vista

Jim Sandoval, Director Planning and Building Department
Marisa Lundstedt, Environmental Planner
Boushra Salem, Senior Civil Engineer
Amy Partosan, Engineering Department
Leah Browder, Engineering Department
Terry Madsen, NBS (City of CV/Tax Consultant)

County of San Diego

Chandra Wallar, Deputy County Administrative Officer, Land Use & Environment Group
Renée Bahl, Director Department of Parks and Recreation
Maeve Hanley, Group Program Manager
Casey Trumbo, Environmental Planner
Dahvia Lynch, Group Program Manager
Larry Duke, District Park Manager

Public:

Bruce April, Caltrans
Teri Fenner, EDAW (Caltrans consultant)
Tom Tomlinson, McMillin
Justin Craig, McMillin
Kim John Kilkenny, Otay Ranch Company
Sean Kilkenny, Otay Ranch Company
Ranie Hunter, Otay Ranch Company
Rob Cameron, Otay Ranch Company
Joe Monaco, Dudek/Otay Ranch Co consultant
Rikki Schroeder, McMillin
Curt Noland, Otay Land Company

1. Call To Order

Meeting called to order at 3:07p.m.by Jim Sandoval.

2. Approval of Meeting Minutes

Jim Sandoval motioned to approve the meeting minutes.
Seconded by Chandra Wallar. Motion carried.

3. General Plan Amendment – Elimination of Conveyance Plan (Lynch)

The County of San Diego and the City of Chula Vista adopted a plan for the orderly conveyance of land to the Preserve. This “conveyance plan” was adopted by the County of San Diego in 1996 and amended in 2002.

The Otay Ranch Company is processing a General Plan Amendment to eliminate the conveyance plan. This will provide greater flexibility in determining the sequence of the preserve lands conveyed. The intent is that the preserve lands to be conveyed will be identified on a case by case basis as individual projects are processed.

Elimination of the Conveyance Schedule will support completion of Villages 2, 3 and 4 in the City of Chula Vista.
The City of Chula Vista has eliminated the conveyance plan.

The conveyance plan elimination will be presented to the Preserve Owner Manager Policy Committee in early September and will go the Planning Commission in late September of this year. The project will be heard by the Board of Supervisors in October of this year.

There were no questions on this item.

4. Irrevocable Offer of Dedication Status (Lynch, Lundstedt & Trumbo)

- a. Pending (12 – 1,058.09 acres)
 - i. Otay Project LP/Otay Ranch Company (7 – 857.18 acres)
 - 1. Wolf Canyon (30.06 acres) – IOD Vacation
The Wolf Canyon Irrevocable Offers of Dedication are not within the initial conveyance area. The Irrevocable Offers of Dedication were drafted with the understanding that that they may require modification when more complete, project-level topographical and vegetation information was available upon processing of Village 2. In addition, some minor changes have been made to the land forms in this area as a result of processing the Village 2 project.

Based on the current schedule, the Wolf Canyon IOD vacation is anticipated to go to hearing in approximately October of this year. Currently, the Otay Ranch preserve conveyance plan outlined in Phase II of the Resource Management Plan must be eliminated prior to the vacation of the Wolf Canyon Irrevocable Offer of Dedication.

Though the elimination of the conveyance plan is expected to go to hearing prior to this vacation, staff is currently investigating opportunities to streamline the

vacation process and eliminate the interdependence of these two actions.

There were no questions or comments on this item.

2. Proctor Valley Segment (772.90 acres)

a. Village 13 Update

The plan for Village 13 has been revised to address the needs of the endangered Quino checkerspot butterfly which occurs in this area. Staff is in the process of reviewing extended initial studies for Village 13 concurrently with an Environmental Impact Report. The review process and is expected to conclude within the next month.

City of Chula Vista Staff/Lundstedt requested that County staff keep them informed of this process of changes to Village 13. County staff agreed that they would keep City staff informed and that the EIR is due late July-early August and will provide further briefings then once the project footprint is finally determined.

City staff stated that County staff was good in keeping City staff informed.

3. 1999 Board Action (266.36 acres)

Otay Ranch Company to give update by Friday
This County of San Diego Board of Supervisors acted to approve the use of the County's 4(d) coastal sage scrub allotment for the Olympic Parkway development. 266 acres of land will be conveyed to the POM. Title reports and Phase 1 Site Assessments have been requested. POM staff expects to receive them by June 20, 2007.

ii. Brookfield-Shea

1. 3 – 148.87 acres

Currently working on Phase 1 and revised Title Report

City of Chula Vista Staff/Lundstedt expects to receive title reports in upcoming weeks.

Chandra Wallar asked if the IODSs will be accepted by the Policy Committee meeting in September.

County of San Diego staff/Trumbo responded that we are much closer to accepting the IODs than when the PMT last met in February.

City of Chula Vista staff/Lundstedt stated that the burden lies with the applicant. The longest timeframe is the provision of access. Field visits are required to ascertain fencing needs prior to IOD transfer. Clean title reports are typical, so this is not an issue.

County of San Diego/Wallar encourages staff and applicants to deal with these issues.

City of Chula Vista/Sandoval suggested to staffs to prepare a checklist of actions necessary and ascertain progress of IODs from this checklist.

Otay Ranch Co./Cameron stated that it is more important for the newer IODs to be accepted than the outstanding IODs and that agreement on language is important to Otay Ranch Company.

b. Village 2, 3, 4 (por) Conveyance

County of San Diego/Trumbo stated that 258.3 acres offered for Village 2. Village 3 & portion of 4 not yet final maps, therefore, no IODs offered at this stage. County of San Diego staff requested a map of these areas from the applicant.

5. Financing (Lundstedt) NO SLIDE

This item was heard after Item 6.

City of Chula Vista Staff/Lundstedt, Salem, and Madsen (consultant) presented the attached PowerPoint presentation including an overview, explanation of how the CFD was established, and how it is implemented which was accompanied by handouts including a summary report of the Otay Ranch CDF 97-2.

Area A relates to preserve operations and maintenance, whereas Area B relates to resource management.

Table 1 of the Summary report shows the tax assessed to each Village. Reserve balance is down to \$147K. Table 2 shows expenditures and revenues. Negative numbers previously reported to County staff were done so in error. The funds mainly paid for a part-time seasonal, administration of the CFD, City and County staff time, the last being the lion's share of the costs.

POM staff has briefly set a general budget which needs to be refined before setting the tax rates for the upcoming tax year. Surveying costs will be the majority of the expense, but will also include signage and fencing costs.

County of San Diego/Wallar asked why the tax rates are “ping-ponging”? Furthermore, shouldn’t the tax revenues be increasing, especially after Fiscal year 02/03? Why are the revenues decreasing?

City of Chula Vista/Madsen responded that the tax rates and associated revenues are all based on the budget. Excess funds or low expenditures would account for the decreased tax rate. Surplus funds have to be used before they are levied against the tax rate.

County of San Diego/Wallar stated that the rates seem anomalous, especially the expenditures in Fiscal year 06/07.

City of Chula Vista/Lundstedt responded that late payments were made that may not be reflected in these numbers.

County of San Diego/Wallar asked if the Fiscal year 07/08 budget is ready to be applied to Chula Vista’s tax roll in 2008.

City of Chula Vista/Lundstedt responded that she and Casey are refining the budget amount before the tax assessment is calculated.

City of Chula Vista/ Partosan reported that the tax assessment for FY08 will be brought to the City Council in July for adoption by August 10, 2007.

County of San Diego/Wallar stated that the PMT is not meeting prior to that date, but County staff would like to review the proposed tax assessment prior to being heard by the City Council.

County of San Diego/Bahl requested to know the maximum revenue so that the budget will not be calculated over that amount.

City of Chula Vista/Lundstedt reported that \$416K is the maximum that could be in the budget for FY07/08.

City of Chula Vista/Madsen stated that the number Lundstedt stated could change due to parcel splits, etc, and would need the secured roll from the County of San Diego Assessor’s Office before the final number could be calculated.

County of San Diego/Wallar stated that County of San Diego would try to expedite getting the secured roll information from the Assessor's office to Chula Vista staff.

City of Chula Vista/Browder stated that in FY2007 the assessment was \$6 but the maximum tax rate that could be applied would be much higher.

County of San Diego/Wallar responded that we do not intend to spend the entirety that could be levied.

City of Chula Vista/Madsen stated that any increase of over 5% leads to homeowner feedback

County of San Diego/Bahl asked if we could expand the reserve fund, especially for biological costs.

City of Chula Vista/Madsen responded that the reserve Fund is created as a safety net. You can use it for one-time projects or for on-going operational costs. There is nothing in the CFD that says you can't use reserve funds for operational costs.

City of Chula Vista/Lundstedt stated that FY03/04 figures will be reviewed and asked if there were any other questions on the CFD.

County of San Diego/Wallar asked that County of San Diego staff have the opportunity to work with Chula Vista staff on the budget for FY07/08 so that the tax rate levied and the expected expenditures will be in sync.

6. Land Management (Duke & Trumbo)

a. Status of Long Term Implementation Plan

County of San Diego/Trumbo reported that this is due Fall 2007.

b. POM managed

Continue general stewardship

1. patrolling
2. trash clean up

ID 4 areas of off-road vehicle access

3. Working with Chula Vista and Property Owners to install signage and fencing

County of San Diego/Wallar stated that it is possible that there has not been as much done as financed and to focus efforts on expending the funds which the plan outlined.

County of San Diego/Trumbo reported that the scope of work for the biologic and cultural surveys has been completed and

that POM staff are moving in the direction of expending the funds.

c. Privately managed (prior to conveyance)

POM staff sent Otay Ranch Company a letter dated April 17, 2007 requesting update on privately managed lands. Staff is working with the Otay Ranch Company on receiving the requested information.

7. East Otay Mesa Parcels (Lynch & Trumbo)

County of San Diego/Lynch reported that the approximately 40-acre McMillin Property (APN 646-070-37, 43.63 ac) shown on this slide is located within both the East Otay Mesa Specific Plan (Subarea 1) and the Otay Ranch Subregional Plan. There are discrepancies within each document designating the land as industrial, preserve, and village residential. The County's MSCP Subarea Plan designates the area as a hardline preserve.

County Counsel has indicated that the last Board of Supervisors action taken is the applicable action. This indicates a combination of Conservation/ Limited Use and Technology/ Business Park. If the landowner wishes to utilize the property for a land use other than conservation, the MSCP will have to be amended.

The County has provided the landowner with several approaches to resolve these discrepancies as outlined in the letter in your packet dated May 14, 2007. The County is working with the landowner to identify one of which of these options he wishes to pursue.

A letter from Glenn Russell, DPLU Chief, was included in the staff package. For a copy of this letter, please contact Casey Trumbo, Environmental Planner, at casey.trumbo@sdcounty.ca.gov or 858-966-1374.

Tom Tomlinson stated that the applicant [McMillin] is still evaluating their options, especially the value of the land as mitigation. They appreciate the clarification from County staff.

City of Chula Vista/Lundstedt stated that Chula Vista staff were unaware of the issue which affects the GDP and the RMP and request that County of San Diego staff keep Chula Vista staff informed regarding this issue going forward.

County of San Diego/Wallar stated that staff will keep in lock-step on this issue.

County of San Diego/Trumbo reported that in terms of the acreage accounting for the preserve area there is still a surplus, but the

previously reported number of 400 acres has dropped to 360 acres due to this issue.

8. Management of non-Otay Ranch Preserve Lands (Lundstedt) NO SLIDE

City of Chula vista/Lundstedt introduced this item stating that for years applicants have been working with City staff who have mitigation land in or adjacent to the Otay ranch Preserve. Lands designated in the conveyance area have been sold for projects other than Otay ranch Villages, such as for SR 125 and others. The bankruptcy of The Environmental trust has lead to a paucity of land managers. It was stated that applicants are diligent in their search to find land stewards and would like this opportunity to present to the Preserve-Owner Manger Preserve Management Team.

Tom Tomlinson of McMillin presented his project and distributed hardcopies of his presentation.

County of San Diego/Wallar put forth general comments from the County's perspective in that staff should reach a joint agreement on these proposals, and that two key points should be considered:

1. the land management should pay for itself, i.e., not POM dollars used
2. land should be easily managed with existing resources

McMillin/Tomlinson directed staff to his presentation, briefly described the management needs of the vernal pools and tarplant, and stated that the property was adjacent to County lands, and that only passive management is required. There is an existing CFD [separate to Otay ranch POM] that was formed in 2004 which produces \$2,000 per year.

City of Chula Vista/Sandoval stated that he is fine with Tom's direction if the \$2,000 is deemed by staff to be sufficient.

City of Chula Vista/Lundstedt remarked that although the \$2,000 sounds low, it was based on an assessment greater than that of the Otay Ranch Preserve CFD.

City of Chula Vista/Sandoval reiterated that he agrees with the motion for staff to investigate this property for inclusion within the POM management.

County of San Diego/Wallar directed staff to develop criteria for all such requests. Apply to all such applications, including the current proposals.

McMillin/Tomlinson stated that he is fine with being a test-case for such criteria.

Caltrans/April presented his project and distributed hardcopies of his presentation. In brief, the project is mitigation for impacts of 125 toll road, about 100acres of which is inside the Otay Ranch Preserve, and another 50 outside.

County of San Diego/Wallar looks forward to staff developing criteria and processing this proposal also. Timeline goal would be for the analysis to be conducted prior to the Policy Committee meeting in September.

9. Projects within the Preserve (Trumbo & Lundstedt)

County of San Diego/Trumbo reported on two projects that are located within the Otay Ranch Preserve that have a potential to impact the preserve:

1. County of San Diego Department of Environmental Health is the lead on the Gun Club Remediation project. DPLU is preparing the CEQA document for this.
2. Championship Off-Road Racing project.

Staff request permission to develop procedures to deal with such projects to include early coordination and to provide recommendation to the approving authority.

City of Chula Vista/Sandoval stated that if quarterly meetings are scheduled there should be enough time to review such projects as Chula Vista will know of upcoming projects.

County of San Diego/Trumbo stated that meetings are proposed quarterly and that the schedule is an upcoming agenda item.

10. Irrevocable Offer of Dedication Language (Trumbo & Lundstedt) NO SLIDE

County of San Diego/Trumbo gave a summary of what occurred at last PMT and PC meeting, that is, no agreement was reached on IOD language relating to future infrastructure. Staffs continue to work towards agreements. Staff will give an update at the next PMT in August.

County of San Diego/Wallar said that here is ample opportunity to reach agreement.

City of Chula Vista/Lundstedt said Counsels have not spoken directly on the matter.

Otay ranch Co/Cameron stated that they were told that IOD language discussions will not hold up the processing of the applications.

County of San Diego/Wallar said this notion was echoed by the Policy Committee.

11. Proposed Policy Committee Agenda (Trumbo & Lundstedt)

County of San Diego/Trumbo directed members to Draft PC Agenda, similar to today's agenda.

City of Chula Vista/Sandoval asked in GPA gets supported when it's due to be heard by the Board of Supervisors.

County of San Diego/Lynch responded that it's due to be heard by the planning Commission at the end of September and the board on October.

Otay Ranch Co/Kilkenny suggested that an opportunity be given at the PC form a status report on the restoration of Maritime Succulent Scrub and tarplant. It was agreed by PMT to add this to the agenda.

12. Meeting Schedule (Trumbo)

- a. POM Staff
As Needed
- b. Preserve Management Team
Quarterly
- c. Policy Committee
Biannually

County of San Diego/Bahl asked if Wallar and Sandoval agree, then Sabrina will book the Supervisor and City of Chula Vista staff. This was agreed to by the PMT.

13. Management by US Fish and Wildlife Refuge NO SLIDE

County of San Diego/Trumbo referenced a Letter (dated 1995) in which FWS agreed to take lands east of Otay Lakes that occurred within the refuge boundary. Request motion to direct staff to work with Refuge staff on this item.

County of San Diego/Wallar stated that there would be financial considerations and queried who would pay.

City of Chula Vista/Lundstedt stated that the "Baldwin Agreement," as it was affectionately known as, negotiated a land deal for participation in the NCCP. The letter states that lands would be transferred without the use of CFD funds. Susan Wynn has the history and knowledge. Refuge staff does not now take on land without funding. Susan Wynn feels like FWS should honor the original agreement.

County of San Diego/Bahl stated that this is time to open discussions in an open forum. Staff will not report back in August but the following PMT meeting.

County of San Diego/Wallar said it sounds great on surface and directed staff to work with refuge staff.

14. Next Steps

Meeting to be arranged by County staff/Hicks per agreement on item 12.

15. Public Comment

There was no public comment.

16. Adjournment

Meeting adjourned at 4:14p.m.

FISCAL YEAR	NUMBER OF PARCELS	AVERAGE PER PARCEL ASSESSMENT	REVNUE FROM ASSESSMENT	TOTAL FUND BALANCE (Previous Available + Revnue Assessment)	OPERATIONAL EXPENDITURES	SURVEY EXPENDITURES	TOTAL EXPENDITURES	REMAINING BALANCE (total fund balance - total expenditures)	SURVEY REPLENISHMENT (bank of monies for surveys every 3 years) can't be spent until that year	AVAILABLE FUND BALANCE	Survey Reserve Fund Balance	Fund Balance with Survey Replenishment
2006-07	7,760.00				(\$266,985.00)					\$279,298.00		
2007-08	7,760.00	\$35.00	\$271,600.00	\$550,898.00	(\$195,000.00)	(\$110,000.00)	(\$305,000.00)	\$245,898.00	(\$75,000.00)	\$170,898.00	\$75,000.00	
2008-09	8,332.20	\$37.00	\$308,291.40	\$479,189.40	(\$241,020.00)	\$0.00	(\$241,020.00)	\$238,169.40	(\$75,000.00)	\$163,169.40	\$150,000.00	
2009-10	8,904.40	\$38.00	\$338,367.20	\$501,536.60	(\$248,250.60)	\$0.00	(\$248,250.60)	\$253,286.00	(\$75,000.00)	\$178,286.00	\$225,000.00	\$403,286.00
2010-11	9,476.60	\$35.00	\$331,681.00	\$734,967.00	(\$255,698.12)	(\$150,000.00)	(\$405,698.12)	\$329,268.88	(\$75,000.00)	\$254,268.88	\$75,000.00	
2011-12	10,048.80	\$35.00	\$351,708.00	\$605,976.88	(\$263,369.06)	\$0.00	(\$263,369.06)	\$342,607.82	(\$100,000.00)	\$242,607.82	\$175,000.00	
2012-13	10,621.00	\$35.00	\$371,735.00	\$614,342.82	(\$271,270.13)	\$0.00	(\$271,270.13)	\$343,072.69	(\$100,000.00)	\$243,072.69	\$275,000.00	\$518,072.69
2013-14	10,621.00	\$35.00	\$371,735.00	\$889,807.69	(\$279,408.24)	(\$200,000.00)	(\$479,408.24)	\$410,399.45	(\$100,000.00)	\$310,399.45	\$100,000.00	

Otay Ranch Preserve Owner Manager (POM)

**Management of Mitigation Lands Dedicated within the Otay Ranch Preserve
for Projects Developed Outside of Otay Ranch Development Area**

August 10, 2007

Purpose of the Preserve Owner Manager (POM)

Section 3 of the Joint Powers Agreement Between The City Of Chula Vista And The County Of San Diego For The Planning, Operation And Maintenance Of The Otay Ranch Open Space Preserve sets forth the description of the land to be managed by the POM. The description states:

“...As tentative maps within each SPA/Specific Plans for the Otay ranch development project are processed, land will be conveyed into the preserve according to the Conveyance Plan...” (emphasis added).

The POM does not have the responsibility to manage lands within the Preserve that are mitigation lands dedicated for projects built outside the Otay Ranch development.

Each land use jurisdiction will continue to process the mitigation requirements for non-Otay Ranch land development projects located within their respective jurisdictions -- including land dedications and collection of funding for ongoing species monitoring, management and maintenance of the land -- in accordance with their respective land use programs, policies, procedures, ordinances and other environmental regulations.

Otay Ranch Preserve Owner Manager (POM)
Management of Mitigation Lands Dedicated within the Otay Ranch Preserve
for Projects Developed Outside of Otay Ranch Development Area

July 26, 2007

Purpose of the Preserve Owner Manager (POM)

Section 3 of the Joint Powers Agreement Between The City Of Chula Vista And The County Of San Diego For The Planning, Operation And Maintenance Of The Otay Ranch Open Space Preserve sets forth the description of the land to be managed by the POM as that which is conveyed into the preserve according to the Conveyance Plan as tentative maps within the Otay Ranch development project are processed (emphasis added) Phase 2 Resource Management Plan (RMP 2) Conveyance Plan (refer to Section IIB).

The POM does not have the responsibility to manage lands within the Preserve that are mitigation lands dedicated for projects built outside the Otay Ranch development (emphasis added).

In order for the POM to consider inclusion of non-Otay Ranch mitigation land management responsibility, the POM JEPA (as well as the RMP 2) would need to be amended to (1) incorporate procedures to be complied with by a land use jurisdiction for requesting management of land by the POM; and (2) set forth criteria that must be met in order for land to be accepted for management by the POM. The POM would consider accepting management and monitoring responsibilities additional mitigation lands not required through the development in Otay Ranch subject to the following criteria:

1. The developer or other entity requesting management of such lands shall provide a Property Analysis Record (PAR) indicating the assumptions for management and monitoring and estimated costs;
2. The PAR methods and assumptions shall be deemed acceptable by both the City and County staff;
3. The budget for monitoring and maintenance of such lands shall be acceptable to the POM;
4. The land should be contiguous to other future or currently dedicated Otay Ranch Preserve lands;
5. The POM must be provided with adequate access to the subject lands; and
6. All Resource Agency permit requirements (i.e., short-term mitigation requirements, success criteria, etc.) must be satisfied prior to transfer of lands to the POM. If permit requirements are not met, the developer or other entity requesting management of such lands shall provide the POM with a release of such requirements from the Resource Agencies

Each land use jurisdiction will continue to process the mitigation requirements for land development projects located within their respective jurisdictions -- including land dedications and collection of funding for ongoing species monitoring, management and maintenance of the land -- in accordance with their respective land use programs, policies, procedures, ordinances and other environmental regulations.

Meeting Agenda
Otay Ranch Preserve Owner Manager Policy Committee
October 5, 2007
County Administration Center, Room 302/303
2:00 -- 4:00 p.m.

1. Call To Order
2. Approval of Meeting Minutes
3. Public Comment on items not related to Agenda
4. General Plan Amendment – Elimination of Conveyance Plan (Lynch)
5. Irrevocable Offer of Dedication (IOD)/Land conveyance Status (Lynch, Lundstedt & Hanley)
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6. Financing (Lundstedt)
7. Land Management (Duke & Hanley)
 - a. Status of Long-Term Implementation Plan
 - b. POM managed
 - c. Privately managed (prior to conveyance)
8. Management of non-Otay Ranch Preserve Lands
9. Restoration Activities Update (Otay Ranch Company)
10. Meeting Schedule
11. Adjournment